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Attorney Docket P1134R2C2

PATENT

CERTIFICATION UNDER 37 CFR 1.10

EL599584445US: Express Mail Number      June 28, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

*Diane L. Marschang*  
Diane L. Marschang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Avi J. Ashkenazi, San Mateo, CA  
David Botstein, Belmont, CA  
Kelly H. Dodge, San Mateo, CA  
Audrey D. Goddard, San Francisco, CA  
Austin L. Gurney, Belmont, CA  
Kyung Jin Kim, Cupertino, CA  
David A. Lawrence, San Francisco, CA  
Robert M. Pitti, El Cerrito, CA  
Margaret A. Roy, San Francisco, CA  
Daniel B. Tumas, Orinda, CA  
William I. Wood, Hillsborough, CA

Title: **DcR3 POLYPEPTIDE, A TNFR HOMOLOG****1. Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application Serial Number 09/157,289, filed September 18, 1998, the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional )**

52 pages of specification  
5 pages of claims  
1 page(s) of abstract  
15 sheet(s) of drawings  
☐ formal ☒ informal

3. **Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
 \_\_\_ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
 \_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

*(for new and CIP applications)*  
 \_\_\_ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

*(for cont./div.)*  
X The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

X Cancel in this application original claims 2-6, 8-13, and 40-66 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

\_\_\_ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119**

\_\_\_ Amend the specification by inserting before the first line the sentence:

--This is a

\_\_\_ non-provisional application  
 \_\_\_ continuation  
 \_\_\_ divisional  
 \_\_\_ continuation-in-part

of co-pending application(s)

- \_\_\_\_\_ Serial No. \_ filed on \_\_, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --
- \_\_\_\_\_ International Application \_ filed on \_\_ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--
- \_\_\_\_\_ provisional application No. \_ filed \_\_ and \_ filed \_\_, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

#### 6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$710.00
Total Claims	29	- 20 =	9	X \$18.00	\$162.00
Independent Claims	12	- 3 =	9	X \$80.00	\$702.00
<u>X</u> Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$1,844.00

#### 7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,844.00. **A duplicate copy of this transmittal is enclosed.**

#### 8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

#### 9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing" (paper copy), Request to use computer-readable form of sequence listing from prior application.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- X   A petition, fee and/or response has been filed to extend the term in the pending prior application until July 9, 2001
- X   A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

  X   Address all future communications to:

Attn: Diane L. Marschang

Respectfully submitted,  
GENENTECH, INC.

Date: June 28, 2001

By: Diane L. Marschang  
Diane L. Marschang  
Reg. No. 35,600  
Telephone No. (650) 225-5416



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PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: To Be Assigned Filed: Herewith For: DcR3 POLYPEPTIDE, A TNFR HOMOLOG	Group Art Unit: To be assigned Examiner: To be assigned
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7c903 U.S. PTO  
09/896096  
06/28/01

Letter and REQUEST TO USE COMPUTER-READABLE SEQUENCE LISTINGUNDER 37 CFR §1.821(e)

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request that the compliant computer-readable Sequence Listing filed in application Serial No. 09/157,289 be used as the computer-readable Sequence Listing for the present, above-identified application.

The paper copy of the Sequence Listing filed herewith is identical to the computer-readable copy of the Sequence Listing filed in the application Serial No. 09/157,289. The undersigned hereby states that no new matter is introduced by the Sequence Listing.

Respectfully submitted,  
GENENTECH, INC.

Date: June 28, 2001

By: Diane L. Marschang  
Diane L. Marschang  
Reg. No. 35,600  
Telephone No. (650) 225-5416



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